

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY MALDONADO, JR.,) No. C 07-05679 JF (PR)
Petitioner,) ORDER ADDRESSING NOTICE
vs.) OF APPEAL
JUDGE STEVEN R. SANDERS, et al.,)
Respondents.)

On February 4, 2008, the Court dismissed the instant habeas action without prejudice for Petitioner's failure to pay the filing fee or file a completed in forma pauperis application. On March 4, 2008, Petitioner filed a notice of appeal. Since the matter was dismissed without prejudice, the Court will construe the notice of appeal as a motion for reconsideration under Federal Rule of Civil Procedure 60(b)(6).

In the interest of justice, Petitioner is granted **thirty (30) days** from the date this order is filed to either pay the full \$5.00 filing fee or file a complete in forma pauperis application. Petitioner is warned that an application will be deficient if it does not include a Certificate of Funds in Prisoner's Account *completed and signed by an authorized officer at the prison* and a copy of Petitioner's prisoner trust account statement showing transactions for the last six months.

1 The Court will order the action reopened upon receiving proof that the filing fee
2 has been paid or Petitioner filing a complete in forma pauperis application in the time
3 provided.

4 The clerk shall enclose two copies of the court's In Forma Pauperis Application
5 with a copy of this order to Petitioner.

6 IT IS SO ORDERED.

7 DATED: 10/22/09



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CARMEN ROY MALDONADO JR.,

Case Number: CV07-05679 JF

Petitioner,

CERTIFICATE OF SERVICE

v.

STEVEN R SANDERS, et al.,

Respondents.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/4/09, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Carmen Roy Maldonado T-72346
PO Box 2790
Salinas, CA 93902

Dated: 11/4/09

Richard W. Wieking, Clerk